

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA

VS.

JOSE TREVINO-MORALES

Defendant

**DOCKETED
FILED**

JUN 18 2012
JUN 12 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ROBERT E. DENNIS, CLERK
DEPUTY CLERK
Case Number: M-12-194-BA

ROBERT E. DENNIS, CLERK
WESTERN DIST. OF OKLA.
DEPUTY

Charging District: Western District of Texas, Austin DivisionCharging District's Case Number: A-12-CR-210-SS-3

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the: Western District of Texas, Austin Division.

The defendant may need an interpreter for this language: _____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Tuesday, June 12, 2012

Date


 ROBERT E. BACHARACH
 UNITED STATES MAGISTRATE JUDGE

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CLOSED

**U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CRIMINAL DOCKET FOR CASE #: 5:12-mj-00194-BA All Defendants
Internal Use Only**

Case title: United States of America v. Trevino-Morales
Other court case number: A12-CR-210-SS Western District of Texas Austin
Division

Date Filed: 06/12/2012
Date Terminated: 06/14/2012

Assigned to: Magistrate Judge Robert Bacharach

Defendant (1)

Jose Trevino-Morales
TERMINATED: 06/14/2012

represented by **Paul A Lacy**
Federal Public Defender-OKC
215 Dean A McGee Ave
Suite 109
Oklahoma City, OK 73102
405-609-5930
Fax: 405-609-5932
Email: tony.lacy@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

ATTEST: A true copy of the original
Robert D. Dennis, Clerk

By 
Deputy

Highest Offense Level (Terminated)

None

Complaints


None

Disposition**Plaintiff**

United States of America

represented by **Leslie M Maye**
US Attorney's Office-OKC
210 W Park Ave
Suite 400
Oklahoma City, OK 73102
405-553-8700
Fax: 405-553-8888
Email: leslie.maye@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

06/12/2012		Arrest of Jose Trevino-Morales in Western District of Oklahoma. Case is out of Western District of Texas, Austin Division (sr) (Entered: 06/12/2012)
06/12/2012	 <u>1</u>	SEALED DOCUMENT -Indictment and Arrest Warrant from Western District of Texas, Austin Division(sr,) (Entered: 06/12/2012)
06/12/2012	<u>3</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Robert Bacharach: Initial Appearance in Rule 5(c)(3) as to Jose Trevino-Morales held on 6/12/2012, Attorney Appointment Hearing as to Jose Trevino-Morales held on 6/12/2012. Leslie Maye appr on behalf of Govt; Def appr in custody of USM w/ ct-apprd counsel, Tony Lacy; USPO Ann Alesch. Def waived identity hrg; Def requested detention hrg be held in charging district. Def remanded to custody of USM for removal to charging district. (#15:19:00.) (lb) (Entered: 06/13/2012)
06/12/2012	<u>4</u>	WAIVER of Rule 5(c)(3) Hearings by Jose Trevino-Morales. (lb) (Entered: 06/13/2012)
06/12/2012	<u>5</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Paul A Lacy as to Jose Trevino-Morales.. Signed by Magistrate Judge Robert Bacharach on 6/12/12. (lb) (Entered: 06/14/2012)
06/12/2012	<u>6</u>	COMMITMENT TO ANOTHER DISTRICT as to Jose Trevino-Morales. Defendant committed to the Western District of Texas, Austin Division. Case terminated. Signed by Magistrate Judge Robert Bacharach on 6/12/12. (lb) (Entered: 06/14/2012)
06/13/2012	<u>2</u>	ENTRY OF ATTORNEY APPEARANCE: Paul A Lacy appearing for Jose Trevino-Morales (Lacy, Paul) (Entered: 06/13/2012)
06/14/2012	<u>7</u>	LETTER to Western District of Texas, Austin Division, including original pleadings and certified docket sheet. (lb) (Entered: 06/14/2012)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. M-12-194-BA
)	
JOSE TREVINO-MORALES,)	
)	
Defendant.)	

ORDER

Jose Trevino-Morales orally moved for appointment of counsel. At the hearing, he declined to submit a written financial affidavit. Upon questioning by the Court, Mr. Trevino-Morales stated through his stand-by counsel, Tony Lacy: (1) Mr. Trevino-Morales did not believe he had the financial resources to retain counsel because he understood that the government was seeking forfeiture of all of his assets; and (2) he was arrested in the early morning on June 12, 2012, was unable to make telephone calls while in detention, and had inadequate time to try to retain counsel.


The Court declined to determine whether the forfeiture claim would prevent Mr. Trevino-Morales from having sufficient resources to retain counsel. However, the Court concluded that in light of Mr. Trevino-Morales' arrest earlier the same day, inability to make telephone calls while in detention, and the shortage of time would prevent him from retaining counsel prior to the initial appearance on June 12, 2012. In doing so, the Court relied on the advisory committee notes to the 1966 amendment of Fed. R. Crim. P. 44(a):

The right to assignment of counsel is not limited to those financially unable to obtain counsel. If a defendant is able to compensate counsel but still cannot obtain counsel, he is entitled to the assignment of counsel even though not to free counsel.

Fed. R. Crim. P. 44(a) - 1966 advisory committee notes.

Accordingly, the Court appointed Tony Lacy to represent Mr. Trevino-Morales in the present case. If the Court subsequently determines that Mr. Trevino-Morales was able to pay for the representation, he may be obligated to reimburse the government for the cost of Mr. Lacy's legal services.

So ordered this 12th day of June, 2012.



Robert E. Bacharach
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA



UNITED STATES OF AMERICA)

VS.)

Case Number: M-12-194-BAJOSE TREVINO-MORALESCharging District: Western District of Texas, Austin Division

Defendant)

Charging District's Case Number: A-12-CR-210-SS-3

WAIVER OF RULE 5 and 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district:
the (name of other court) Western District of Texas, Austin Division.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise--unless I am indicted--to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing.
- ☒ production of the warrant.
- ☐ a preliminary hearing.
- ☒ a detention hearing.

I request that the following hearing(s) be held in the prosecuting district, at a time set by that court.

- ☐ a preliminary hearing.
- ☒ a detention hearing.

I realize that the detention hearing in the prosecuting district may not occur within the three and five day time limits, set forth in the Bail Reform Act, but I request the Court to find good cause to exceed those time limits if it takes the Marshal more time to transport me to the prosecuting district, as I want the hearing to be held in the prosecuting district.

Date

6/12/2012

Defendant

Attorney for Defendant

CRIMINAL COURTROOM MINUTE SHEET

DATE: Jun 12, 2012

INITIAL APPEARANCE on RULE 5

CASE: M-12-194-BA

TIME IN COURT: 20 mins

COURTROOM: 101

MAGISTRATE JUDGE ROBERT E. BACHARACH

COURTROOM DEPUTY LESA BOLES

UNITED STATES OF AMERICA vs. JOSE TREVINO-MORALES

Defendant States true and correct name as: Same

AGE: 45

Government Cnsl: LESLIE MAYE

Defendant Cnsl: TONY LACY

U.S. Probation Officer: ANN ALESCH

Public Defender

☒ Defendant Appears, custody of U.S. Marshal with Counsel

Interpreter: N/A

☐ Defendant advised of his / her right of consular notification,☒ Defendant informed of his / her right to retain counsel or to request that counsel be appointed if he / she cannot obtain counsel.☒ Dft informed that he / she is not required to make a statement and that any statement made by him / her may be used against him / her.☒ Defendant informed of the ☐ Complaint ☒ Indictment and the charges pending against him / her in the prosecuting district.

Charging District: Western District of Texas, Austin Division

Charging District case number: A-12-CR-210-SS-3

PRELIMINARY / RULE 5

☐ Defendant informed of his/her right to a Preliminary hearing.☐ Defendant waives preliminary hearing; Written waiver entered.☐ Defendant requests the preliminary hearing be conducted in the prosecuting district.☐ Defendant requests the preliminary hearing be conducted in this district☐ Preliminary hearing is set for: _____☐ Preliminary hearing not required.☒ Defendant waives identity hearing; Written waiver entered.☐ Defendant advised of the provisions of Rule 20.☒ Government produces the original warrant, a certified copy of the warrant or a reliable electronic form of either.☐ Defendant waives production of original, certified copy or reliable electronic form of warrant.

RELEASE / DETENTION

☐ Government recommends defendant be released on _____☐ Government recommends defendant be detained based on _____☐ Government _____☐ Upon motion of the Government and request for continuance by _____☐ Detention Hearing is set for _____☒ Defendant requests that the detention issue be held in abeyance until defendant is returned to charging district. The court finds good cause to exceed the time limits set forth by the Bail Reform Act, if necessary, in order to allow the U.S. Marshal sufficient time to transport defendant to the charging district. Defendant remanded to the custody of the U.S. Marshal.

The Court Orders:

☒ The United States Marshal for the Western District of Oklahoma is to remove defendant to the district in which he/she is charged and deliver defendant to the United States Marshal for that district or to some other officer authorized to receive him. Written Order entered.☐ Defendant temporarily detained pending detention hearing. Written Order entered. Defendant remanded to the custody of the USM.☐ Unsecured Bond set at _____ with conditions per Release Order.☐ Secured Bond set at _____ with conditions per Release Order as the Court finds that the release of the Defendant on a personal recognizance bond or unsecured appearance bond would not reasonably assure his / her appearance in court and the safety of the community.☐ Defendant remanded to the custody of the U.S. Marshal.☐ Defendant to report for further proceedings in the District Court in which prosecution is pending as follows:

Defendant requests withdrawal of the financial affidavit provided to the Court by the U.S. Marshal's office. The Court grants defendant's oral request to withdraw the financial affidavit.

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United States District Court
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

APPEARANCE

v.

CASE NUMBER: M-12-194-BA

JOSE TREVINO-MORALES,

Defendant.

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for Jose Trevino-Morales. I certify that I am registered with the Court's ECF System and that I am admitted to practice in this court.

June 13, 2012

Date

s/ Paul Antonio Lacy

Signature

PAUL ANTONIO LACY, OBA #5156

ASSISTANT FEDERAL PUBLIC DEFENDER

Attorney for Defendant

Office of the Federal Public Defender

215 Dean A. McGee, Suite 109

Oklahoma City, Oklahoma 73102

Phone: 405-609-5930 / Facsimile: 405-609-5932

E-Mail: Tony.Lacy@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, June 13, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Leslie M. Maye
Assistant United States Attorney

s/ Paul Antonio Lacy

PAUL ANTONIO LACY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

www.okwd.uscourts.gov

ROBERT D. DENNIS

CLERK

RHONDA REYNOLDS

CHIEF DEPUTY

200 N.W. 4th Street, Room 1210

Oklahoma City, Oklahoma 73102

(405) 609-5000 Fax (405) 609-5099

RECEIVED
JUN 18 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY June 14, 2012
DEPUTY CLERK

Mr. William G. Putnicki
Clerk of Court
United States District Court
for the Western District of Texas
200 West 8th Street, Room 130
Austin, TX 78701

Re: *USA v. Jose Trevino-Morales*
Western District of Texas Case No. A-12-CR-210-SS-~~4~~ 3
Western District of Oklahoma Case No. M-12-194-BA
Rule 5 Proceedings held June 12, 2012

Dear Clerk:

Enclosed are the original filings and a certified copy of the docket sheet in the referenced case.

Very Truly Yours,

ROBERT D. DENNIS, CLERK

By: s/Lesa Boles
Deputy Clerk

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